

**U.S. District Court  
Western District of Virginia (Charlottesville)  
CIVIL DOCKET FOR CASE #: 3:19-cv-00017-GEC**

Southern Environmental Law Center et al v. Miranda et al  
Assigned to: Senior Judge Glen E. Conrad  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/19/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Southern Environmental Law Center**

represented by **Kimberley Claire Hunter**  
Southern Environmental Law Center  
601 West Rosemary Street, Suite 220  
Chapel Hill, NC 27516-2356  
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**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Morgan Wyatt Butler**  
Southern Environmental Law Center  
201 West Main Street, Suite 14  
Charlottesville, VA 22902  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Samuel Edward Evans**  
Southern Environmental Law Center  
48 Patton Avenue, Suite 304  
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Email: [sevans@selcnc.org](mailto:sevans@selcnc.org)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Defenders of Wildlife**

represented by **Kimberley Claire Hunter**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Morgan Wyatt Butler**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Leopoldo Miranda**  
*in his official capacity as Director of  
Region Four of the United States Fish and  
Wildlife Service*

represented by **Krista Consiglio Frith**  
United States Attorneys Office – Roanoke  
Western District of Virginia  
310 First Street, SW, Suite 906  
Roanoke, VA 24008

540-857-2956  
Fax: 540-857-2283  
Email: [Krista.Frith@usdoj.gov](mailto:Krista.Frith@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**James Kurth**  
*in his official capacity as Deputy Director  
Exercising the Authority of the Director of  
the United States Fish and Wildlife  
Service*

represented by **Krista Consiglio Frith**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Daniel Jorjani**  
*in his official capacity as Principal  
Deputy Solicitor Exercising the Authority  
of Solicitor, the head of the Office of the  
Solicitor, an agency within the  
Department of the Interior*

represented by **Krista Consiglio Frith**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**David Bernhardt**  
*in his official capacity as Acting Secretary  
of the Department of the Interior*

represented by **Krista Consiglio Frith**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 03/19/2019 | <u>1</u> | COMPLAINT against David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda (Filing & Administrative fee \$ 400 paid by e-receipt no. 0423-3101552), filed by Southern Environmental Law Center, Defenders of Wildlife. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Civil Cover Sheet)(hnw) (Entered: 03/20/2019) |
| 03/19/2019 | <u>2</u> | Negative Corporate Disclosure Statement by Southern Environmental Law Center (hnw) (Entered: 03/21/2019)   |
| 03/20/2019 | <u>2</u> | Electronic Summons Issued as to David Bernhardt, U.S. Attorney and U.S. Attorney General. <a href="#">NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4.</a> (Attachments: # <u>1</u> Summons Issued, # <u>2</u> Summons Issued)(hnw)  |
| 03/20/2019 | <u>3</u> | Electronic Summons Issued as to Daniel Jorjani, U.S. Attorney and U.S. Attorney General. <a href="#">NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4.</a> (Attachments: # <u>1</u> Summons Issued, # <u>2</u> Summons Issued)(hnw)   |
| 03/20/2019 | <u>4</u> | Electronic Summons Issued as to James Kurth, U.S. Attorney and U.S. Attorney General. <a href="#">NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4.</a> (Attachments: # <u>1</u> Summons Issued, # <u>2</u> Summons Issued)(hnw)  |
| 03/20/2019 | <u>5</u> | Electronic Summons Issued as to Leopoldo Miranda, U.S. Attorney and U.S. Attorney General. <a href="#">NOTICE TO COUNSEL: Please print copies of the electronically issued summons for each defendant as necessary to effectuate service under Fed. R. Civ. P. 4.</a> (Attachments: # <u>1</u> Summons Issued, # <u>2</u> Summons Issued)(hnw)   |
| 03/21/2019 | <u>6</u> | AMENDED COMPLAINT against All Defendants, filed by Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9)(Butler, Morgan)  |

|            |           |   |
|------------|-----------|---|
| 03/21/2019 | <u>7</u>  | MOTION for <i>Samuel Evans</i> to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0423-3103013. by Southern Environmental Law Center. (Attachments: # <u>1</u> Text of Proposed Order on Motion for Admission pro hac vice)(Butler, Morgan)  |
| 03/21/2019 | <u>8</u>  | MOTION for <i>Kimberley Hunter</i> to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0423-3103029. by Southern Environmental Law Center. (Attachments: # <u>1</u> Text of Proposed Order on Motion for Admission pro hac vice)(Butler, Morgan)  |
| 03/21/2019 | <u>10</u> | ORDER granting <u>8</u> MOTION to Appear Pro Hac Vice Attorney Kimberley Claire Hunter for Southern Environmental Law Center added. Signed by Senior Judge Glen E. Conrad on 3/21/19. (hnw)   |
| 03/21/2019 | <u>11</u> | ORDER granting <u>7</u> MOTION to Appear Pro Hac Vice Attorney Samuel Edward Evans for Southern Environmental Law Center added. Signed by Senior Judge Glen E. Conrad on 3/21/2019. (hnw)   |
| 04/24/2019 | <u>12</u> | ANSWER to <u>6</u> Amended Complaint, by David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda.(Frith, Krista)   |
| 04/26/2019 | <u>13</u> | Magistrate Consent Notice to Parties. (hnw)   |
| 06/06/2019 | <u>14</u> | Rule 26(f) Agreed Written Plan by Defendants David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda (Frith, Krista)   |
| 08/22/2019 | <u>15</u> | MOTION to Dismiss for Lack of Jurisdiction <i>over Count 2</i> by David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda. (Frith, Krista)   |
| 08/22/2019 | <u>16</u> | Brief / Memorandum in Support re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction <i>over Count 2</i> . filed by David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Frith, Krista)   |
| 09/06/2019 | <u>17</u> | RESPONSE in Opposition re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction <i>over Count 2</i> . filed by Defenders of Wildlife, Southern Environmental Law Center. (Attachments: # <u>1</u> Exhibit 1, Email and Attachment from Plaintiffs to Defendants, 9/24/18, # <u>2</u> Exhibit 2, Email and reply, 10/18/18, # <u>3</u> Exhibit 3, Discovery documents, # <u>4</u> Exhibit 4, additional public records, # <u>5</u> Exhibit 5, Prater Declaration, # <u>6</u> Exhibit 6, Email and reply 6/7/18-6/8/18, # <u>7</u> Exhibit 7, Selection of Pending FOIA Requests before Defendants, # <u>8</u> Exhibit 8, Defendants' Vaughn Index)(Hunter, Kimberley) |
| 09/13/2019 | <u>18</u> | REPLY to Response to Motion re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction <i>over Count 2</i> . filed by David Bernhardt, Daniel Jorjani, James Kurth, Leopoldo Miranda. (Frith, Krista)  |
| 09/16/2019 | <u>19</u> | MOTION to Accept Plaintiffs' Response by Defenders of Wildlife, Southern Environmental Law Center. (Hunter, Kimberley)  |